

**Notice of Allowability**

Application No.

10/642,909

Examiner

Mitchell R. Slavitt

Applicant(s)

SETTJE ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 8/18/03.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☒ The drawings filed on 18 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/18/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Reasons for Allowance***

1. Claims 1-42 are allowed as the prior art does not teach or suggest the applicant's invention. Independent claim 1 teaches a method of selecting physical cylinders in a disc drive. The distinguishing elements of the claim are: determining whether the first plurality of greyscale tracks or the second plurality of greyscale tracks demonstrates greater track eccentricity, to thereby obtain a maximum track eccentricity surface and a corresponding maximum eccentricity head, the maximum track eccentricity surface being one of the first and second disc surfaces and the maximum eccentricity head being a corresponding one of the first and second heads; and utilizing the maximum eccentricity head to locate at least one of the physical cylinders.

Independent claim 17 teaches a disc drive. The distinguishing elements of the claim are: a first head positionable adjacent a first disc surface, the first disc surface having a first plurality of greyscale tracks; a second head positionable adjacent a second disc surface, the second disc surface having a second plurality of greyscale tracks, with each greyscale track of the second plurality of greyscale tracks corresponding to a different greyscale track of the first plurality of greyscale tracks, thereby forming a plurality of greyscale cylinders, wherein each greyscale cylinder of the plurality of greyscale cylinders comprising a pair of corresponding greyscale tracks; and a physical cylinder selection module configured to select physical cylinders from the plurality of greyscale cylinders by: determining whether the first plurality of greyscale tracks or the second plurality of greyscale tracks demonstrates greater track eccentricity, to thereby obtain a maximum track eccentricity surface and a corresponding maximum eccentricity

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head, the maximum track eccentricity surface being one of the first and second disc surfaces and the maximum eccentricity head being a corresponding one of the first and second heads; and utilizing the maximum eccentricity head to locate at least one of the physical cylinders.

Independent claim 33 teaches a method of selecting physical tracks in a disc drive. The distinguishing elements of the claim are: seeking, using the head, in a direction of a disc outer diameter until an outer diameter crash stop is encountered, to thereby locate an outer diameter crash stop greyscale track of the plurality of greyscale tracks; and utilizing the outer diameter crash stop greyscale track to select a first physical track, the first physical track being most proximate the disc outer diameter of the physical tracks.

Independent claim 40 teaches a method of selecting physical cylinders in a disc drive. The distinguishing elements of the claim are: selecting one of the first and second heads as a reference head; and utilizing the reference head to locate at least one of the physical cylinders.

Independent claim 42 teaches a disc drive. The distinguishing elements of the claim are: a plurality of greyscale cylinders; a means for selecting physical cylinders from the plurality of greyscale cylinders. The Examiner interprets the claim to fall within 35 U.S.C. 112, 6<sup>th</sup> paragraph and therefore the claim is construed to cover the corresponding structure, material, or acts described within the specification. The specific disclosures the Examiner considers applicable to the means of claim 42 are: Summary

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of the Invention, page 2 to page 3 and Figure 3 together with page 6, line 20 to page 9, line 28.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell R. Slavitt whose telephone number is (571) 272-7562. The examiner can normally be reached on M-F (6:30-4:00), 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

MS M/  
5/26/05